



**Colorado
Legislative
Council
Staff**

HB16-1378

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-1147
Prime Sponsor(s): Rep. Ginal
Sen. Crowder

Date: March 28, 2016
Bill Status: House Finance
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: COURT TO COLLECT AND TRANSFER COSTS OF DUI TESTS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	up to \$91,617	up to \$99,946
General Fund	up to 91,617	up to 99,946
State Expenditures	Minimal workload increase.	
TABOR Impact	up to \$91,617	up to \$99,946
Appropriation Required: None.		
Future Year Impacts: Ongoing state revenue and minimal workload increases.		

Summary of Legislation

Under current law, the court may order that a defendant reimburse costs associated with the collection and analysis of chemical tests. This bill requires that the court assess and collect these moneys and transfer them to the law enforcement agency that performed the chemical test.

Background

Over the past six fiscal years, the Colorado State Patrol within the Department of Public Safety (DPS) has expended an average of \$268,940 and received an average of \$168,994 in reimbursements each year for chemical tests. As of this writing, the amount expended and reimbursed to local law enforcement agencies was not available. It should be noted that the cost for testing varies by jurisdiction and the type of chemical test performed. The fiscal note assumes that fees assessed will vary to cover the costs associated with each chemical test.

State Revenue

Beginning in FY 2016-17, this bill will increase state revenue by up to \$99,946 General Fund in the DPS; first year revenue is prorated to reflect the effective date of the bill.

TABOR Impact

This bill increases state revenue from fees, which will increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. Since the bill increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will decrease by an identical amount.

State Expenditures

Beginning in FY 2016-17, this bill increases workload for the trial courts in the Judicial Department by a minimal amount to assess, collect, and transfer fees for all chemical tests. This workload impact is expected to be minimal and will not require an increase in appropriations for the Judicial Department.

Local Government Impact

Similar to the state, this bill will increase revenue for local law enforcement agencies that conduct chemical tests. As of this writing, the amount of the increase is not available. Workload will also increase for cases heard in Denver County Court, which is administered by the City and County of Denver.

Effective Date

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

District Attorneys
Public Safety

Information Technology
Sheriffs

Judicial